

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:12-cv-00200-MR**

**JACK L. HERZBERG and  
KRISTINE A. HERZBERG,**

**Plaintiffs,**

**vs.**

**SUNTRUST BANK and  
APRIL KISSELBURG DAVIS,**

**Defendants.**

**ORDER**

**THIS MATTER** is before the Court on the Notice of Bankruptcy Stay by Defendant April Kisselburg Davis [Doc. 16].

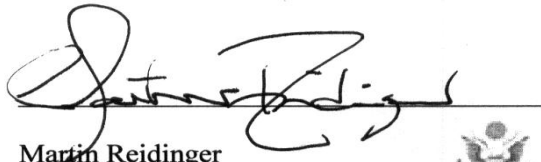
Defendant April Kisselburg Davis has filed a notice with the Court that she filed a bankruptcy case under Chapter 7 of the United States Bankruptcy Code on December 5, 2012. It is well-settled that “[w]hen litigation is pending against the debtor at the time a bankruptcy case is commenced, the litigation is stayed automatically.” 3 Collier on Bankruptcy ¶ 362.03[3] (16th ed. 2012); see also 11 U.S.C. § 362(a)(1) (providing that a bankruptcy petition operates as an automatic stay of “the commencement

or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor"). Accordingly, the Court will consider this action stayed as against Defendant Davis only. All other claims pending in this action remain unaffected by this stay.

Accordingly, **IT IS, THEREFORE, ORDERED** that this action is hereby **STAYED** as against the Defendant April Kisselburg Davis only.

**IT IS SO ORDERED.**

Signed: January 3, 2013

  
Martin Reidinger  
United States District Judge

